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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

BANSAL, GEETHA P

ART UNIT

PAPER NUMBER

1642

DATE MAILED: 12/11/2001

6

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/68724

Applicant(s)

Srivastava

Examiner

Geetha Bansal

Group Art Unit

1642

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -0- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

(30 days)

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- ☒ Claim(s) 1-74 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☒ Claim(s) 1-74 are subject to restriction or election requirement.

### Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-23, drawn to a method for identifying a modulator of HSP-alpha-2M receptor mediated process, classified in class 435, subclass 7.1.
  - II. Claims 24-26, 70 drawn to a method for identifying an HSP-alpha-2M mediated antigen presentation, classified in class 435, subclass 7.8.
  - III. Claims 27-30, drawn to a method detecting HSP-alpha-2M related disorder, classified in class 435, subclass 7.1.
  - IV. Claims 31-32, 71 drawn to a method of modulating immune response, classified in class 424, subclass 193.1.
  - V. Claims 33-42, 74 drawn to method for treating an autoimmune disorder, classified in class 424, subclass 193.1.
  - VI. Claims 43-44, drawn to a method of increasing immunopotency of cancer cell, classified in class 424, subclass 277.1.
  - VII. Claims 45-47, drawn to a recombinant cell, classified in class 435, subclass 93.1.
  - VIII. Claims 48-53, drawn to a kit comprising proteins, classified in class 530, subclass 350.
  - IX. Claims 48-53, drawn to a kit comprising nucleic acid, classified in class 514, subclass 44.
  - X. Claims 54-63, drawn to a method for identifying HSP fragment, classified in class 435, subclass 7.1.
  - XI. Claims 64-66, drawn to method for identifying a molecule that binds to an alpha-2M receptor, classified in class 435, subclass 7.2.
  - XII. Claims 67-69, drawn to method for identifying a compound that modulates alpha-2M receptor- ligand binding, classified in class 435, subclass 7.1.

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- XIII. Claims 72-73, drawn to method for treating a disease or disorder, classified in class 514, subclass 2.
- XIV. Claims 72-73, drawn to method for preventing a disease or disorder, classified in class 514, subclass 2.
- XV. Claims 72-73, drawn to method for treating cancer, classified in class 514, subclass 2.
- XVI. Claims 72-73, drawn to method for preventing cancer, classified in class 514, subclass 2.
- XVII. Claims 72-73, drawn to method for treating infectious disease, classified in class 514, subclass 2.
- XVIII. Claims 72-73, drawn to method for preventing infectious disease, classified in class 514, subclass 2.

2. The inventions are distinct, each from the other because of the following reasons: Inventions VII-IX are unrelated to each other. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions differ from each other as follows: The different products are structurally and functionally different from each other, and have different uses. The recombinant cells can be used not only to make the complexes but also directly as immunogens or for in vitro cellular studies. Thus, each of the products are distinct and independent of each other.

3. Inventions I-VI, X-XVIII are unrelated to each other. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions differ from each other as follows:

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The different methods are drawn to different method steps, different endpoints, and different reagents for performing the steps. Each of these methods are distinct and independent. Claims drawn to treatment are not of the same scope as prevention, and claims drawn to cancer are very distinct and independent of claims drawn to infectious disease. Similarly claims drawn to methods of screening for a receptor binding compound are distinct from claims drawn to screening for compounds that modulate the binding of receptor to its ligand.

4. The products of Groups VII-IX are drawn to a different type of invention than the methods of methods of Groups I-VI, X-XVIII.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by either their different classification, and/or different search requirements and/or recognized divergent subject matter, restriction for examination purposes as indicated is proper.

6 Due to the complexity of the claims and the number of groups, a written restriction is being sent out. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

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8. Papers related to this application may be submitted to Group 1640 by facsimile transmission. Papers should be faxed to Group 1640 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 308-4242 or (703) 305-3014.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geetha P. Bansal whose telephone number is (703) 305-3955. The examiner can normally be reached on Mondays to Thursdays and alternate Wednesdays from 7:00am to 4:30pm and alternate Fridays from 7:00am to 3:30pm. A message may be left on the examiner's voice mail service.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Anthony Caputa, can be reached on (703) 308-3995.

11. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

December 10, 2001

  
GEETHA P. BANSAL  
PRIMARY EXAMINER